

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to implement and clarify the procedures a dentist must follow to properly notify his or her patients of the change in the location of or the closing of a dental practice or office and as to how the patient may obtain copies of his or her records, to correct the terminology in § 4213.4(a)(5) by adding the term “clinical,” to correct the terminology in § 4217.2(b) by adding the term “surgery,” and to amend the definition of the term “NERB Examination” to include the North East Regional Board of Dental Examiners’ successor.

These regulations will become effective upon publication of this notice in the D.C. Register.

17 DCMR Chapter 42, DENTISTRY, is amended as follows:

Section 4213.4(a)(5) is amended to read as follows:

4213.4(a) (5) Clinical findings, diagnosis and treatment rendered;

Section 4213.63 is amended to read as follows:

4213.63 Whenever an entire dental practice or office moves to a new location or ceases operation, the owner or responsible dentist shall not later than 30 days after the change or closing:

- (a) Notify the patients of the change of address or closing by U.S. Mail, a note posted conspicuously on the door of the office that is closing for at least 30 consecutive days, telephone message on the office number activated for at least 30 consecutive days, or any combination of the above; and
- (b) Notify the patients as to how they may obtain copies of their complete dental files, radiographs, and models, by any of the means set forth in subparagraph (a).

Section 4217.2(b) is amended to read as follows:

- 4217.2 (b) Has successfully completed an oral and maxillofacial surgery residency program accredited by the American Dental Association Commission on Dental Accreditation;

Section 4299.1 is amended as follows:

a) The following term with the ascribed meaning is amended to read as follows:

NERB Examination—the examination in dentistry offered by the North East Regional Board of Dental Examiners, Inc.; or its successor.

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code §1-307.02), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code §7-771.05(6)), hereby gives notice of the adoption of an amendment to section 5213.1 of Chapter 52 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled “Medicaid Reimbursement For Mental Health Rehabilitative Services (MHRS)”. The purpose of these final rules is to (1) set forth the appropriate billing code for the MHRS service and reimbursement rate for Counseling (Individual Off-Site); and (2) increase the rate for CBI Level I (Multi-systemic therapy) services.

This amendment sets forth the appropriate billing code for Counseling (Individual Off-Site) to ensure proper Medicaid reimbursement and increases the Medicaid reimbursement rate for CBI Level I (Multi-systemic therapy). Additionally, the coding change for Counseling (Individual Off-Site) is necessary to bring the code into adherence with HIPAA coding requirements.

A notice of emergency and proposed rulemaking was published in the *DC Register* on July 10, 2009 (56 DCR 005662). No comments were received on the proposed rules and no substantive changes have been made. These rules shall become effective on the date of publication of this notice in the *DC Register*.

Chapter 52 of Title 29 DCMR (Medicaid Reimbursement for Mental Health Rehabilitative Services) is amended as follows:

Section 5213.1 shall be amended to read as follows:

5213.1 Medicaid reimbursement for MHRS shall be determined as follows:

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Diagnostic/Assessment	T1023HE	An assessment, at least 3 hours in duration	\$ 240.00
	H0002	An assessment, 40 – 50 minutes in duration to determine eligibility for admission to a mental health treatment program	\$ 85.00
Medication/Somatic Treatment	T1502	15 minutes	\$ 35.72 –Individual (ages 22 and over)
	T1502HA	15 minutes	\$ 38.96 – Individual

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
			(ages 0 – 21)
	T1502HQ	15 minutes	\$ 19.33 – Group
Counseling	H0004	15 minutes	\$ 19.50 Individual On-site (ages 22 and over)
	H004HA	15 minutes	\$ 20.31 - Individual On-Site (ages 0 – 21)
	H004HQ	15 minutes	\$ 10.45 – Group
	H004HE	15 minutes	\$ 23.19 – Individual Off-Site (all ages)
Community Support	H0036	15 minutes	\$ 20.10 Individual
	H0036HQ	15 minutes	\$ 8.67 Group
Crisis/Emergency	H2011	15 minutes	\$ 33.57
Day Services	H0025	One day, at least 3 hours in duration	\$ 144.77
Intensive Day Treatment	H2021	One day, at least 5 hours in duration	\$ 164.61
Community-Based Intervention (Level I – Multi-systemic Therapy)	H2033	15 minutes	\$ 57.42
Community-Based Intervention (Level II and Level III)	H2022	15 minutes	\$ 31.35
Assertive Community Treatment	H0039	15 minutes	\$ 33.23

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF FINAL RULEMAKING
(ERRATA NOTICE)**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with sections 1351 through 1353 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, (D.C. Law 2-139; D.C. Official Code § 1-613.51 *et seq.*) (2006 Repl.), hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, the following rules. The purpose of these rules is to amend **Chapter 14, Performance Management, of Title 6 of the District of Columbia Municipal Regulations (DCMR)**, in its entirety. While final rules were published in the *D.C. Register* on August 7, 2009 (56 DCR 006164); the incorrect version of the rulemaking was mistakenly submitted for publication. Accordingly, a corrected version of the final rules is being re-published. The version being published as an Errata Notice is the same exact version as the proposed rules published on June 26, 2009 (56 DCR 005068). No comments were received and no changes were made to the Notice of Proposed Rulemaking published on June 26, 2009 (56 DCR 005068). Final rulemaking action was taken on July 31, 2009.

CHAPTER 14**PERFORMANCE MANAGEMENT**

Chapter 14 of the D.C. Personnel Regulations is amended to read as follows:

1400 APPLICABILITY

1400.1 The provisions of this chapter apply to all of the following:

- (a) Employees in the Career Service under the authority of section 801 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01), including:
 - (1) Probationary employees, as specified in section 1416 of this chapter;
 - (2) Uniformed members of the Metropolitan Police Department (MPD) at the ranks of Lieutenant, Captain, Inspector, Commander, and Assistant Chief; and

- (3) Uniformed members of the Fire and Emergency Medical Services Department (FEMSD) in the positions of Deputy Fire Chief, Battalion Fire Chief, Assistant Fire Chief (Operations), and Assistant Fire Chief;
- (b) Employees in the Excepted Service appointed under the authority of section 903 of the CMPA (D.C. Official Code § 609.03);
- (c) Employees in the Excepted Service appointed as Capital City Fellows, as specified in section 1417 of this chapter;
- (d) Employees in the Management Supervisory Service appointed under the authority of sections 951 through 958 of the CMPA (D.C. Official Code §§ 1-609.51 through 1-609.58), except for the provisions of section 1414 of this chapter; and
- (e) Employees in the Legal Service under the authority of sections 851 through 863 of the CMPA (D.C. Official Code §§ 1-608.51 through 1-608.62), appointed as supervisory attorneys in the Office of the Attorney General for the District of Columbia, non-supervisory attorneys who report directly to either the Attorney General for the District of Columbia or the Principal Deputy Attorney General, subordinate agency General Counsel, and other subordinate agency supervisory attorneys in the Legal Service.

1401 EXCLUSIONS

1401.1 The provisions of this chapter shall not apply to the following employees:

- (a) Uniformed members of the MPD at the ranks of Officer, Master Patrol Officer, Detective, Investigator, and Sergeant, who continue to be covered under the performance evaluation system in effect as of the effective date of these regulations;
- (b) Uniformed members of the FEMSD in positions other than those listed in 1400.1 (a)(3) of this chapter; and
- (c) Unionized employees in the Legal Service.

1402 PURPOSE

1402.1 The purpose of this chapter is to set forth the rules for the District government's performance management program.

1402.2 Performance management integrates the processes District government agencies use to do all of the following:

- (a) Communicate and clarify organizational and individual work goals to all employees;

- (b) Identify individual and, where applicable, team responsibilities and accountability for accomplishing work unit, agency, and organizational goals;
- (c) Identify and address developmental needs for individuals and, where applicable, teams;
- (d) Provide feedback to employees about performance expectations and work accountability;
- (e) Assess and improve individual, team, and organizational performance;
- (f) Use appropriate measures of performance as the basis for recognizing and rewarding accomplishments; and
- (g) Use the results of the annual performance evaluation as a basis for appropriate human resources' actions, including training, promotion, demotion, administrative action, or other types of human resources' actions.

1402.3 The performance management program implemented by this chapter shall accomplish all of the following:

- (a) Create and set forth work expectations in relation to the strategic goals of a work unit, an agency and, where applicable, the District government as a whole;
- (b) Hold supervisors and employees accountable for performance, which shall include a direct relationship between the performance evaluation received pursuant to this chapter and the receipt of any periodic salary increases (including salary increases on both step and merit-based salary plans);
- (c) Objectively evaluate employees' work performance based on criteria that have been made known to the employees prior to the performance evaluation;
- (d) Improve employee performance through developmental plan and continuous employee skill development;
- (e) Recognize employees' accomplishments and identify employees' deficiencies so that appropriate rewards or assistance can be provided; and
- (f) Tie employee performance to work unit, agency, and where applicable, District government-wide outcomes.

1403 PERFORMANCE MANAGEMENT PERIOD

1403.1 Except as provided in section 1417 of this chapter, the performance management period for all covered employees shall be from the beginning of each fiscal year (October 1st) to the end of the fiscal year (September 30th).

1404 PERFORMANCE RATINGS

- 1404.1 An overall performance rating shall be a culmination of the ratings assigned to each performance expectation. The overall performance rating indicates the level of an employee's actual performance of assigned competencies and S.M.A.R.T Goals during the performance management period.
- 1404.2 The overall performance rating shall be derived from the score on competencies for fifty percent (50%); and S.M.A.R.T Goals for fifty percent (50%).
- 1404.3 The rating levels for the performance management program shall be as follows:
- (a) Level 5, *Role Model* – Performance serves as a benchmark for other employees in the workplace. Regarded by colleagues as a person with great depth and breadth of knowledge in area of expertise, ideas and is willing to share it with others. Contributions, initiatives, and productivity reflect the highest degree of performance.
 - (b) Level 4, *Highly Effective Performer* – Performance consistently exceeds expectations in most areas and meets expectations in all other areas. Consistently adds value to the work of the agency. Demonstrates willingness to offer sound recommendations for improvement and is involved in the implementation of them.
 - (c) Level 3, *Valued Performer* – Performance expectations consistently meet and may occasionally exceed expectations, and therefore, meets the minimum requirements of the position. Contributions are essential to ensuring that agency goals are met.
 - (d) Level 2, *Marginal Performer*– Performance of most expectations needs improvement. Adequate performance of the expectations for the position requires further development of skills. Potential to improve is evident and demonstrates a willingness to improve skills.
 - (e) Level 1, *Inadequate Performer* – Performance of expectations is consistently inadequate, and therefore fails to meet the minimum requirements of the position. Potential to improve is not evident. .

1405 PERFORMANCE PLANS

- 1405.1 A Performance Plan shall set forth the performance expectations and development objectives that each covered employee is expected to accomplish during the performance management period.
- 1405.2 Only the Director, D.C. Department of Human Resources (or designee), or independent personnel authority, as applicable, may approve an agency's request for an extension of the annual Performance Plan submittal period.

1405.3 Except as otherwise provided in this chapter, each supervisor shall complete a Performance Plan outlining what is expected of each covered employee, as follows:

- (a) Within thirty (30) days of the beginning of each performance management period;
- (b) Within thirty (30) days of the date an employee is promoted, appointed, transferred, reassigned, or demoted to a new position or a position with significantly different duties and responsibilities;
- (c) Within thirty (30) days of the date an employee is officially detailed when the detail is for a period of more than ninety (90) days;
- (d) An employee who has been reassigned to a position with different duties and responsibilities within ninety (90) days of the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the position to which reassigned; or
- (e) An employee who has been promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the new position.

1405.4 A Performance Plan shall include all of the following:

- (a) Competencies;
- (b) S.M.A.R.T (*Specific, Measurable, Attainable, Realistic, Time-Related*) Goals; and
- (c) An Individual Development Plan.

1405.5 Modifications to the Performance Plan can only be made up to June 30th (ninety (90) calendar days before the end of the performance management period).

1406 COMPETENCIES

1406.1 Competencies are a type of performance expectation that consists of the critical knowledge, abilities, skills, and personal characteristics necessary for satisfactory performance in a particular position. Competencies are linked to the specific duties performed in a particular work unit, but focus strongly on each employee individually.

1406.2 At the beginning of each performance management period, a supervisor or a reviewer, in the absence of the supervisor, shall discuss with the employee how each competency relates to the employee's job. At the end of the performance

management period, the supervisor or a reviewer, in the absence of the supervisor, shall evaluate each competency based on the employee's performance during the period.

1406.3 There are five (5) core competencies for all employees covered by this chapter:

- (a) Accountability;
- (b) Communication;
- (c) Customer Service;
- (d) Goal Attainment; and
- (e) Job Knowledge.

1406.4 There are three (3) additional core competencies applicable to supervisors:

- (a) Leadership;
- (b) Management of Others; and
- (c) Operational and Strategic Planning.

1406.5 The supervisor may choose up to three (3) additional competencies, or develop an additional three (3) competencies in collaboration with the employee. The recommended additional competencies include but are not limited to the following:

- (a) Flexibility/Adaptability;
- (b) Initiative;
- (c) Innovation;
- (d) Mechanical Ability;
- (e) Negotiation;
- (f) Problem Solving;
- (g) Productivity;
- (h) Teamwork;
- (i) Technical Ability; and
- (j) Use of Technology;

1407 S.M.A.R.T GOALS

- 1407.1 S.M.A.R.T Goals are a type of performance expectation that consists of goals that are “Specific, Measurable, Attainable, Realistic, and Time-Related.” A Performance Plan shall include at least three (3) and not more than five (5) S.M.A.R.T Goals.
- 1407.2 The use of S.M.A.R.T Goals may augment the use of performance standards for agencies to document performance objectives for employees. Wherever possible, and as applicable, agencies should incorporate the text normally found in performance standards in the employee’s S.M.A.R.T Goals.
- 1407.3 S.M.A.R.T Goals set in the Performance Plan shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%).
- 1407.4 S.M.A.R.T Goals set in the performance plan shall include a timeframe for the accomplishment of each goal.
- 1407.5 At the beginning of each performance management period, a supervisor or the reviewer, in the absence of the supervisor, shall discuss with the employee how each S.M.A.R.T Goal relates to the employee’s job. At the end of a performance management period, the supervisor or the reviewer, in the absence of the supervisor, shall evaluate each S.M.A.R.T Goal based on the employee’s performance during the period.

1408 INDIVIDUAL DEVELOPMENT PLAN

- 1408.1 At the beginning of the performance management period, a supervisor, or the reviewer in the absence of the supervisor, shall prepare an Individual Development Plan for an employee, identifying areas for growth and development. The Individual Development Plan shall be prepared in collaboration with the employee. The Individual Performance Plan shall include at least one (1) and no more than three (3) objectives.
- 1408.2 Each Individual Development Plan is for developmental purposes only, and shall not be part of the evaluation at the end of the performance management period.
- 1408.3 Each Individual Development Plan may include but is not limited to the following objectives:
- (a) Specific objectives designed to improve the knowledge, skills, and abilities of the employee;
 - (b) Specific objectives for areas of ongoing professional development; or
 - (c) Objectives that address areas in which the employee received a review of “Marginal Performer” or below during the preceding review year.

- 1408.4 Each Individual Development Plan shall include a timeframe for the accomplishment of each objective.

1409 MID-YEAR PROGRESS DISCUSSION

- 1409.1 Each employee entitled to an annual performance evaluation under section 1411 of this chapter may participate in a mid-year progress discussion no less than three (3) months prior to the end of the performance management period. When used, the mid-year progress discussion is initiated by the employee's immediate supervisor or the reviewer, in the absence of the immediate supervisor; and serves as a mechanism for providing feedback to an employee and identifying areas that need improvement.
- 1409.2 The mid-year progress discussion shall be mandatory in the case of probationary employees. The mid-year progress discussion shall not impinge on a recommendation to terminate the probationary employee during his or her probationary period.
- 1409.3 An annual performance evaluation shall not be based solely on a mid-year progress discussion. An employee's performance during the entire review period must be used to determine how well the employee performed each performance expectation and the overall performance rating.

1410 PERFORMANCE IMPROVEMENT PLAN

- 1410.1 The provisions of this section shall apply to all employees described in 1400.1 of this chapter, except for Career Service probationary employees and Senior Executive Attorney Service attorneys' in the Office of the Attorney General.
- 1410.2 A Performance Improvement Plan (PIP) is a performance management tool designed to offer the employee placed on it an opportunity to demonstrate improvement in his or her performance.
- 1410.3 The purpose of a Performance Improvement Plan is to offer the employee placed on it an opportunity to demonstrate improvement. A Performance Improvement Plan issued to an employee shall last for a period of thirty (30) to ninety (90) days, and shall:
- (a) Identify the specific performance areas in which the employee is deficient; and
 - (b) Provide concrete, measurable action steps the employee needs to take to improve in those areas.
- 1410.4 A supervisor or, in the absence of that individual, the reviewer, shall complete a PIP when employee performance has been observed by the supervisor as being deficient. The last date on which a PIP may be issued is June 30 of each year.
- 1410.5 Within ten (10) calendar days of the end of the PIP period, the employee's

immediate supervisor or, in the absence of that individual, the reviewer, shall make a determination as to whether the employee has met the requirements of the PIP. If the determination is that the employee has met the requirements of the Performance Improvement Plan, the employee's immediate supervisor, or in the absence of that individual, the reviewer, shall so inform the employee, in writing. If the determination is that the employee failed to meet the requirements of the Performance Improvement Plan, the employee's immediate supervisor or in the absence of that individual, the reviewer, as appropriate, shall issue a written decision to the employee to:

- (a) Extend the Performance Improvement Plan for an additional thirty (30) and not to exceed ninety days total, to further observe the employee's performance;
- (b) Reassign, reduce in grade, or remove the employee.

- 1410.6 Failure on the part of the supervisor, or, in the absence of that individual, the reviewer, to issue a written decision within the specified time period will result in the employee's performance having met the PIP requirements.
- 1410.7 Any reduction in grade or termination action as specified in section 1410.5 (b) of this section taken against a Career Service employee shall be taken pursuant to Chapter 16 of these regulations.
- 1410.8 Any reduction in grade or termination action as specified in section 1410.5.(b) of this section taken against a Legal Service employee as described in section 1400.1 (e) of this chapter who is not "at-will" shall be taken pursuant to Chapter 36 of these regulations.
- 1410.9 The Chief of Police may elect not to use a Performance Improvement Plan for officials above the rank of Captain

1411 ELIGIBILITY TO RECEIVE AN ANNUAL PERFORMANCE EVALUATION

- 1411.1 In order to be eligible to receive an annual performance evaluation, a Performance Plan shall be in place for at least ninety (90) calendar days prior to conducting an annual performance evaluation based on that performance plan at the end of the performance management period.
- 1411.2 An employee who has been reassigned, promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive a performance evaluation for that period.
- 1411.3 The performance evaluation pursuant to sections 1411.2 of this section shall be issued by the employee's previous supervisor as specified in those sections.

- 1411.4 An employee who was reinstated or restored to duty during the ninety (90) days prior to the end of the performance management period shall be rated at the end of the next performance management period.
- 1411.5 An employee who transfers to an agency under the Mayor's personnel authority from an independent personnel authority, or who is newly appointed during the ninety (90) days prior to the end of the performance management period, shall be rated at the end of the next performance management period.
- 1411.6 An employee reinstated, restored, newly appointed, or transferred shall automatically be considered as having been assigned a rating of Valued Performer, which shall remain the official rating of record until such time as replaced by another official rating.

1412 ANNUAL PERFORMANCE EVALUATION

- 1412.1 An annual Performance Evaluation shall be issued to each eligible employee within three months of the end of the performance management period, the exact date of which will be established by the appropriate personnel authority.
- 1412.2 The annual Performance Evaluation shall be based on the employee's Performance Plan for that performance management period.
- 1412.3 Except as provided in section 1412.5 of this section, each employee entitled to be rated under section 1411 of this chapter shall be rated, based on his or her position of record, by his or her immediate supervisor or the reviewer, in the absence of the supervisor. In the absence of both the immediate supervisor and the reviewer, the agency head shall designate a higher-level official to complete the Performance Evaluation. In the absence of an electronic official performance evaluation, the employee's performance shall be deemed to be at the "Valued Performer" level.
- 1412.4 A supervisor leaving his or her position at any time within the last ninety (90) calendar days of the performance management period shall conduct a Performance Evaluation for each employee covered by this chapter prior to his or her departure.
- 1412.5 An employee serving on detail for more than ninety (90) days at the end of the performance management period shall be rated by the employee's immediate supervisor of the position to which detailed, with input from the supervisor of the employee's position of record.
- 1412.6 An agency may use multi-source feedback as an evaluation tool consistent with procedures and guidelines established by the appropriate personnel authority.
- 1412.7 In instances where employees perform shift work or have multiple supervisors during the year, input or completion of the employee's performance evaluation shall be provided by the appropriate supervisor(s).

- 1412.8 When an employee is evaluated on performance in his or her position of record in accordance with section 1412.3 of this section, appropriate consideration shall be given to work performed outside the position of record.
- 1412.9 Except when the agency head is the rating official, a Performance Evaluation issued by a rating official shall be subject to the review and approval of a reviewer prior to the supervisor's year-end discussion with an employee.
- 1412.10 The annual Performance Evaluation for an employee who is on approved extended leave at the end of the performance management period (during the period in which performance evaluations are finalized) shall be postponed until the employee returns to his or her official position of record.
- 1412.11 A signature on the annual Performance Evaluation is considered official when submitted electronically using an electronic system used to facilitate the performance planning and evaluation process outlined in this chapter.
- 1412.12 The personnel authority may approve an agency's request for an extension of the annual Performance Evaluation submittal period, consistent with 1412.1 of this section.

1413 SELF-EVALUATION

- 1413.1 At his or her discretion, each employee eligible to receive an evaluation may submit a self-evaluation to his or her supervisor as input into the performance evaluation process.

1414 SALARY INCREASES

- 1414.1 An annual overall performance rating of *Valued Performer* or higher shall constitute performance at an acceptable level of competence for purposes of eligibility for a periodic step increase or a merit-based salary increase (for employees paid from open range salary schedules), as applicable, under Chapter 11 of these regulations.
- 1414.2 Each time an employee fails to receive a rating of *Valued Performer* or higher shall result in the due date for the next scheduled periodic step increase or merit-based salary increase being delayed for an additional year.

1415 EMPLOYEE REQUEST FOR REVIEW

- 1415.1 The provisions of this section shall apply to all employees described in 1400.1 of this chapter, except for Career Service probationary employees.
- 1415.2 Employees' requests for review of performance ratings shall be handled at the hiring agency level. Subordinate agencies must establish an internal Reconsideration and Resolution Committee (RRC) to formally review overall performance ratings of *Inadequate Performer* (Level 1) and *Marginal Performer* (Level 2). Agencies will

- conduct a “paper review” of overall ratings of *Valued Performer* (Level 3), and *Highly Effective Performer* (Level 4).
- 1415.3 The D.C. Department of Human Resources (DCHR) will serve in an impartial advisory capacity in the administration and disposition of performance rating review cases in subordinate agencies.
- 1415.4 An employee may, within ten (10) calendar days of participating in a performance rating year-end discussion with the supervisor, request a review of the rating by submitting the request for review to the subordinate agency head (or designee).
- 1415.5 An employee’s request for review of an official annual performance rating shall be in writing, and shall be submitted in accordance with procedures issued by the appropriate personnel authority.
- 1415.6 Pursuant to section 603 (a) of the CMPA (D.C. Official Code § 1-606.03 (a)), an employee may appeal a final agency decision affecting a performance rating which results in removal of the employee with the Office of Employee Appeals.
- 1415.7 Upon receipt of a request for review, the subordinate agency head (or designee) shall take either of the following actions:
- (a) Dismiss the employee’s request for review on technical grounds (i.e., procedural or regulatory violation) and sustain the performance rating; or
 - (b) Accept the employee’s request for review, and refer the request to the agency’s RRC for review and disposition.
- 1415.8 Independent personnel authorities may establish a review process for their employees.
- 1415.9 The provisions of section 1415.6 of this section shall not apply to any performance rating that results in the removal of a Legal Service employee as described in section 1400.1 (e) of this chapter. The right of appeal of such an employee shall be governed by Chapter 36 of these regulations.
- 1415.10 Rating appeal rights of Metropolitan Police Department employees shall be in accordance with procedures established by the agency.

1416 PROBATIONARY EMPLOYEES

- 1416.1 An employee serving a probationary period shall be subject to the performance management program established by this chapter. A Performance Plan shall be provided to each probationary employee, on which the probationer shall be evaluated.

1416.2 An acceptable performance rating during a probationary period in and of itself does not constitute passing of the probationary period or automatic movement to a permanent status.

1416.3 Neither the mid-year progress discussion nor the annual performance evaluation received by the probationary employee is appealable.

1417 CAPITAL CITY FELLOWS

1417.1 A Performance Plan as described in section 1404 of this chapter shall be completed for each Capital City Fellow, not later than thirty (30) calendar days after the beginning of each six-month (6-month) placement. Each Performance Plan shall outline what is expected from the Capital City Fellow.

1417.2 The goals for each six-month (6-month) placement shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%) for each rating. Goals shall be set as follows:

(a) Twenty five (25%) of the overall goals assigned to program-related activities and participation, to be set by the Director, D.C. Department of Human Resources (or designee); and

(b) Seventy five percent (75%) of the overall goals assigned to on-site performance, to be set by each agency supervisor to whom the Capital City Fellow is assigned.

1417.3 The performance of each Capital City Fellow shall be evaluated at the end of each six-month (6-month) placement as specified in this section, for a total of four (4) individual performance ratings during the two-year (2-year) program.

1417.4 Each Capital City Fellow may, at his or her discretion, submit a self-evaluation as input into the annual performance evaluation process.

1417.5 A rating of *Valued Performer* or higher shall constitute performance at an acceptable level of competence for purposes of salary adjustment.

1417.6 The provisions in section 1416 of this chapter shall apply to Capital City Fellows.

1417.7 Capital City Fellows' annual performance evaluations are not appealable.

1499 DEFINITIONS

When used in this chapter, the following terms shall have the meaning ascribed:

Annual performance evaluation – a process for determining how well an individual employee has performed the performance expectations established in the performance plan for the review period.

Competency – a type of performance expectation that consists of the critical knowledge, abilities, skills and personal characteristics necessary for satisfactory performance. They are linked to the specific duties performed in a particular work unit but focus strongly on the individual employee.

Electronic signature – a technologically neutral term indicating various methods of signing an electronic message that: (a) identifies and authenticates a particular person as a source of the electronic message; and (b) indicates such person's approval of the information contained in the electronic message. Examples of electronic signature include: Personal Information Numbers or "PINs," user identifications and passwords, digital signatures, and hardware and biometric tokens.

Individual development plan (IDP) – a development tool that identifies training and learning activities that will help an employee enhance the knowledge, skills, and abilities needed to perform work duties and prepare the employee for future career advancement.

Mid-year progress discussion – a formal meeting between a supervisor and employee to discuss the employee's performance and development at the midpoint of the review period.

Multi-source feedback – a tool used to assess employee performance that involves several sources (i.e., peers, employees, supervisors, customers) that have reliable information of an employee services or work products. This is commonly known as "*360 degree feedback*."

Performance expectations – S.M.A.R.T. goals and competencies that describe what and how work is to be performed. Performance expectations are established by the supervisor and employee at the beginning of a review period.

Performance improvement plan (PIP) – A performance management tool designed to offer the employee an opportunity to demonstrate improvement in his or her performance.

Performance management – the systematic process by which an agency involves its employees, as individuals and members of a group, to ensure the accomplishment of agency mission and goals.

Performance management period – the length of time covering the performance planning and evaluation process. It goes from the beginning to the end of the fiscal year.

Performance plan – the formalized process of identifying and communicating the organizational, work unit, and individual goals expected of the employee. The Performance Plan consists of the following: Competencies, S.M.A.R.T Goals, and an Individual Development Plan.

Performance rating – the value assigned to each performance expectation and the employee's overall performance based on a supervisor's or, in the absence of the supervisor the reviewer's, assessment of an employee's performance during the review period.

Probationary employee – a Career Service employee occupying a position subject to the completion of a probationary period, to include employees in term appointments.

Rating official – the final rating authority in the annual performance evaluation process, who is either the employee’s supervisor, or, in the absence of the supervisor the reviewer.

Request for review – the process in which an employee requests a formal review of the overall performance rating received during the review period.

Reviewer – a supervisor, agency head, or agency head designee responsible for reviewing and approving the annual performance evaluation completed by a rating official.

Self-evaluation – the process in which the employee provides a self-assessment of the employee’s performance based on the established performance expectations during the review period.

S.M.A.R.T. goals – a type of performance expectation that consists of goals that are *Specific, Measurable, Attainable, Realistic, and Time-Related*.

Supervisor – an individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust employee grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. For the purposes of this policy, “supervisor” also means “manager”.